

AMENDED IN SENATE JUNE 8, 2004
AMENDED IN SENATE APRIL 13, 2004
AMENDED IN SENATE MARCH 23, 2004
AMENDED IN SENATE SEPTEMBER 8, 2003
AMENDED IN SENATE SEPTEMBER 3, 2003
AMENDED IN SENATE JULY 7, 2003
AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 493

Introduced by Assembly Member Salinas
(Coauthor: Senator McPherson)

February 14, 2003

An act to add Section 6608.5 to the Welfare and Institutions Code, relating to sexually violent predators, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 493, as amended, Salinas. Sexually violent predators.

Existing law provides for the commitment of convicted sexually violent predators to the custody of the State Department of Mental Health for treatment, under specified conditions. If the Director of Mental Health determines that the person's diagnosed mental disorder has so changed that the person is not likely to commit acts of predatory sexual violence while under supervision and treatment in the

community, the director is required to forward a report and recommendation for conditional release to the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections and the court is required to set a hearing, as specified. A person who has been committed as a sexually violent predator may petition the court for conditional release with or without the recommendation or concurrence of the Director of Mental Health. Upon receipt of a petition from the Director of Mental Health or a committed person, if that petition is not based upon frivolous grounds, the court is required to hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community; if not, the court is required to order the committed person placed with an appropriate forensic conditional release program operated by the state for one year.

This bill would require a nonparolee who is conditionally released under these provisions to be placed in the county of the ~~civil commitment~~ *domicile*, unless the court finds that extraordinary circumstances, as defined, require placement outside the county of ~~civil commitment~~ *domicile*. The bill would require the county of ~~civil commitment~~ *domicile* to designate, and notify the department of, the county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for persons who are about to be conditionally released. By establishing new duties for counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6608.5 is added to the Welfare and
2 Institutions Code, to read as follows:

3 ~~6608.5. (a) Except as provided in subdivision (b), and except~~
4 ~~with respect to a parolee placed pursuant to Section 3003 of the~~
5 ~~Penal Code, a~~

6 6608.5. (a) A person who is conditionally released pursuant
7 to this article shall be placed in the county of the ~~civil commitment~~
8 *domicile of the person prior to the person's incarceration*, unless
9 the court finds that extraordinary circumstances require placement
10 outside the county of ~~civil commitment~~ *domicile*. *For the purposes*
11 *of this section, "domicile" does not mean the county where the*
12 *person committed the offense while confined in a state prison or*
13 *in a local jail facility or while confined for treatment in a state*
14 *hospital, unless that county was also the county of domicile*
15 *immediately preceding the person's confinement*. For purposes of
16 this section, "extraordinary circumstances" means circumstances
17 that would inordinately limit the department's ability to effect
18 conditional release of the person in the county of ~~civil commitment~~
19 *domicile* in accordance with Section 6608 or any other provision
20 of this article, and the procedures described in Sections 1605 to
21 1610, inclusive, of the Penal Code.

22 (b) The county of ~~civil commitment~~ *domicile* shall designate a
23 county agency or program that will provide assistance and
24 consultation in the process of locating and securing housing within
25 the county for persons committed as sexually violent predators
26 who are about to be conditionally released under Section 6608.
27 Upon notification by the department of a person's potential or
28 expected conditional release under Section 6608, the county of
29 ~~civil commitment~~ *domicile* shall notify the department of the name
30 of the designated agency or program, at least 60 days before the
31 date of the potential or expected release.

32 SEC. 2. Notwithstanding Section 17610 of the Government
33 Code, if the Commission on State Mandates determines that this

1 act contains costs mandated by the state, reimbursement to local
2 agencies and school districts for those costs shall be made pursuant
3 to Part 7 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the claim for
5 reimbursement does not exceed one million dollars (\$1,000,000),
6 reimbursement shall be made from the State Mandates Claims
7 Fund.

8 SEC. 3. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to provide state and local authorities with urgently
13 needed clarification with respect to procedures involved with the
14 conditional release of sexually violent predators, it is necessary
15 that this act take effect immediately.

